

# HB 150 PROTECTION OF VULNERABLE ADULTS/MINORS

## House Judiciary Subcommittee Working Group

### Final Report

By Sarah Munson, Committee Aide

03/18/10

1. A- Page 1, line 10: Inserted two new sections to read:

**\*Sec. 1. AS 08.29.200(b) is amended to read:**

**(b) Notwithstanding (a) of this section, a person licensed under this chapter shall report incidents of**

**(1) child abuse or neglect as required by AS 47.17;**

**(2) harm or assaults suffered by a vulnerable adult [AN ELDERLY PERSON OR DISABLED ADULT] as required by AS 47.24.**

**\*Sec. 2. AS 08.63.200(b) is amended to read:**

**(b) Notwithstanding (a) of this section, a person licensed under this chapter shall report incidents of**

**(1) child abuse or neglect as required by AS 47.17;**

**(2) harm or assaults suffered by a vulnerable adult [AN ELDERLY PERSON OR DISABLED ADULT] as required by AS 47.24.”**

Renumbered the following bill sections accordingly.

- I- Page 1, line 9; Sec. 1. AS 08.29.200(b)
  - I- Page 2, line 2; Sec. 2. AS 08.63.200(b)
2. A- Page 4, line 3; Sec. 7. AS 13.26.207(a): Following “attorney” inserted “**and other persons as ordered by the court**”
    - I- Page 4, line 18; Sec. 9. 13.26.207(a)
  3. A- Page 4, line 16; Sec. 7. AS 13.26.209(a): Following “person.” inserted “**A petition filed on behalf of a protected person by another person must be accompanied by proof of service of the petition on the protected person or the person’s attorney unless service would cause an immediate threat of harm to the best interests of the protected person and the petition includes a written explanation of the harm.**”
    - I- Page 4, line 31-page 5, line 3; Sec. 9. AS 13.26.209(a)
  4. A- Page 4, lines 22-23; Sec. 7. AS 13.26.209(a): Replaced “**The court shall cause a copy of the protective order to be served on the respondent.**” with “**The court shall cause a copy of the protective order, any related orders, and a scheduling order, if any, to be served on the respondent and the protected person.**”
    - I-Page 5, lines 10-12; Sec. 9. AS 13.26.209(a)
  5. A-Page 5, line 8; Sec. 7. AS 13.26.209(d): Following “notice to” inserted “**the protected person and**”
    - I-Page 5, lines 28-29; Sec. 9. AS 13.26.209(d)
  6. A-Page 5, lines 16; Sec. 7. AS 13.26.209(f): Replaced “**A third party shall comply with a protective order issued under this section.**” with “**A third party that has received actual or legal notice of a protective order issued under this section shall comply with the order.**”
    - I-Page 6, lines 5-6; Sec. 9. AS 13.26.209(f)
  7. A-Page 5, line 21; Sec. 7. AS 13.26.209(f): Replaced “person” with “party”
    - I-Page 6, line 10; Sec. 9. AS 13.26.209(f)
  8. A-Page 5, line 22; Sec. 7. AS 13.26.209(f): Following “order.” inserted “**As used in this section, “actual or legal notice” means delivery by mail or facsimile at the most recently known place of residence or business of the third party or registering with the Department of Public Safety.**”
    - I-Page 6, lines 12-15; Sec. 9. AS 13.26.209(f)

9. A-Page 6, line 5; Sec. 8. AS 13.26.325: The reference number 13.26.325 was already used, so Legal Services changed it to 13.26.324.
  - I-Page 6, line 29; Sec. 10. AS 13.26.324
10. A-Page 6, line 8; Sec. 8. AS 13.26.325(2): Replaced **“theft and related offenses”** with **“offenses against property”**
  - I-Page 7, line 1; Sec. 10. AS 13.26.324(2)
11. A-Page 6, line 20; Sec. 9. AS 18.65.530(a)(2): Replaced **“and”** with **“or”**
  - I-Page 7, line 13; Sec. 11. AS 18.65.530(a)(2)
12. A-Page 7, line 5; Inserted new section to read:  
**“\* Sec. ##. AS 44.21.415(g) is amended to read:**  
     **(g) In this section,**  
         **(1) "fraud" means**  
             **(A) robbery, extortion, and coercion under AS 11.41.500 - 11.41.530;**  
             **(B) [THEFT AND RELATED OFFENSES] offenses against property under**  
             **AS 11.46.100 - 11.46.740; or**  
             **(C) exploitation of another person or another person's resources for personal profit or advantage with no significant benefit accruing to the person who is exploited;**  
         **(2) "older Alaskan" means a person residing in the state who is 60 years of age or older.”**  
 Renumbered the following bill sections accordingly.
  - I-Page 7, line 30-Page 8, line 10; Sec. 14. AS 44.21.415(g)
13. A-Page 9, lines 7-8; Sec. 16. AS 47.24.010(e): Reinserted **“at the earliest opportunity”**
  - I-Page 10, lines 13-14; Sec. 19. AS 47.24.010(e)
14. A-Page 11, line 29-Page 12, line 2; Sec. 25. AS 47.24.015(h): Redrafted (h)
  - I-Page 13, lines 6-9; Sec.28. AS 47.24.015(h)
15. A-Page 12, lines 6-14; Sec. 25. AS 47.24.015(j): Deleted (j) and re-lettered the following subsections accordingly.
  - I-Page 13, line 13; Sec. 28. AS 47.24.015(j): Note that (j) is Version A’s (k)
16. A-Page 12, line 30-Page 13, line 3; Sec. 25. AS 47.24.015(n): Replaced **“the following:”** and (1) – (4) with **“any person”**
  - I-Page 13, line 28; Sec. 28. AS 47.24.015(m)
17. A-Page13, line 8; Sec. 26. AS 47.24.016(a): Following **“guardian,”** inserted **“conservator,”**
  - I-Page 14, line 2; Sec. 29. AS 47.24.015(a)
18. A-Page13, lines 17-18; Sec. 26. AS 47.24.016(a)(1): Replaced **“divorce or dissolution”** with **“divorce, [OR] dissolution, or legal separation”**
  - I-Page 14, line 11-12; Sec. 29. AS 47.24.015(a)(1)
19. A-Page 14, line 15; Sec. 29. AS 47.24.017(a): Replaced **“guardian or”** with **“guardian, conservator, [OR]”**
  - I-Page 15, line 9; Sec. 32. AS 47.24.017(a)
20. A-Page 14, lines 29-30; Sec. 30. AS 47.24.019(c): Replaced **“a family member, caregiver, guardian, conservator, attorney-in-fact, trustee, or surrogate decision maker”** with **“any person”**
  - I-Page 15, line 23; Sec. 33. AS 47.24.019(c)
21. A-Page 14, line 31-Page 15, line 1; Sec. 30. AS 47.24.019(c): Replaced **“a family member, caregiver, guardian, conservator, attorney-in-fact, trustee, or surrogate decision maker”** with **“person”**
  - I-Page 15, line 25; Sec. 33. AS 47.24.019(c)
22. A-Page 15, line 15; Sec. 31. AS 47.24.050(b): Following **“guardian,”** inserted **“conservator,”**
  - I-Page 16, line 11; Sec. 34. AS 47.24.050(b)

23. NEED TO: I-Page 16, line 14; Sec. 34. AS 47.24.050(b): Following **“guardian,”** INSERT **“conservator,”**
24. A-Page 16, line 9; Sec. 33. AS 47.24.900(2)(A): Following **“intentional,”** inserted **“knowing,”**
- I-Page 17, line 4; Sec. 36. AS 47.24.900(2)(A)
25. A-Page 16, line 24; Sec. 35. AS 47.24.900(4): Replaced **“means”** with **“includes”**
- I-Page 17, line 21; Sec. 38. AS 47.24.900(4)
26. A-Page 17, line 3; Sec. 36. AS 47.24.900(7)(B): Following **“deception,”** inserted **“fraud,”**
- I-Page 17, line 31; Sec. 39. AS 47.24.900(7)(B)
27. A-Page 17, line 4; Sec. 36. AS 47.24.900(7)(B): Following **“duty;”** inserted **“in this paragraph, “fraud” has the meaning given in AS 13.26.324(1) and (2);”**
- I-Page 18, lines 1-2; Sec. 39. AS 47.24.900(7)(B)
28. A-Page 17, line 6; Sec. 37. AS 47.24.900(9): Following **“intentional,”** inserted **“knowing,”**
- I-Page 18, line 4; Sec. 40. AS 47.24.900(9)
29. A-Page 17, line 11; Sec. 37. AS 47.24.900(9): Replaced **“means”** with **“includes”**
- I-Page 18, line 10; Sec. 40. AS 47.24.900(9)
30. A-Page 17, lines 13-29; Sec. 38. AS 47.24.900(11): Legal Services reformatted this section, but there was no substantial change
- I-Page 18, lines 12-26; Sec. 41. AS 47.24.900(11)
31. A-Page 17, line 22; Sec. 38. AS 47.24.900(11)(B)(iv): Replaced **“(iv) freezing an account at a financial institution;”** with **“(D) staying financial transactions;”**
- I-Page 18, line 19; Sec. 41. AS 47.24.900(11)(B)(D)
32. A-Page 18, line 9; Sec. 39. AS 47.24.900(15)(D): Following **“loss”** inserted **“, waste, or dissipation”**
- I-Page 19, line 6; Sec. 42. AS 47.24.900(15)(D)
33. A-Page 18, lines 22-24; Sec. 41. AS 47.24.900(18): Redrafted (18)
- I-Page 19, lines 19-21; Sec. 44. AS 47.24.900(18)
34. A-Page 19, lines 19-20; Sec. 41. AS 47.24.900(21): Replaced **““undue influence” means a person of trust or confidence uses the person’s role, relationship or authority to exploit”** with **““undue influence” means the use by a person who stands in a position of trust or confidence of the person’s role, relationship, or authority to wrongfully exploit”**
- I-Page 20, lines 16-18; Sec. 44. AS 47.24.900(21)
35. A-Page 19, line 21; Sec. 41. AS 47.24.900(21): Deleted **“deceptively”**
- I-Page 20, line 18; Sec. 44. AS 47.24.900(21)
36. A-Page 19, lines 29-31; Sec. 42. Direct Court Rule Amendments 12(h): Replaced all bold language with **“In deciding whether to grant the motion, the court shall consider the victim’s circumstances and the effect that delay would have on the victim, particularly a victim of advanced age or extreme youth. The court shall place its findings on the record.”**
- I-Page 20, lines 26-29; Sec. 45. Direct Court Rule Amendments 12(h)
37. A-Page 20, lines 5-7; Sec. 42. Direct Court Rule Amendments 45(a): Deleted all bold language.
- I-Page 21, lines 8-9; Sec. 46. Direct Court Rule Amendments 45(a)
38. A-Page 20, line 7; Sec. 42. Direct Court Rule Amendments 45(a): Following **“cases.”** inserted **“The court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth, in setting the trial date.”**
- I-Page 21, line 8; Sec. 46. Direct Court Rule Amendments 45(a)
39. A-Page 20, lines 20-23; Sec. 43. Indirect Court Rule Amendments (c): Due to the deletion of |A-Page 12, lines 6-14; Sec. 25. AS 47.24.015(j)|, deleted (c). Due to |A-Page 4, lines 3-4; Sec. 7. AS 13.26.207(a)|, inserted new (c).
- I-Page 21, lines 23-25; Sec. 47. Indirect Court Rule Amendments (c)
40. A-Page 21, line 18; Sec. 47, Effective Date: Replaced **“immediately under AS 01.10.070(c).”** with **“July 1, 2011.”**
- I-Page 22, line 17; Sec. 51. Effective Date